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SPECIAL COMMITTEE AGAINST APARTHEID

VERBATIM RECORD OF THE 661st MEETING

Held at Headquarters, New York,
on Monday, 12 October 1992, at 10.30 a.m.

Chairman: Mr. GAMBARI (Nigeria)

CONTENTS

Day of Solidarity with South African Political Prisoners

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The meeting was called to order at 10.45 a.m.

DAY OF SOLIDARITY WITH SOUTH AFRICAN POLITICAL PRISONERS

The CHAIRMAN: On behalf of the Special Committee, I warmly welcome all those who have accepted our invitation to join us in this solidarity meeting.

The Day of Solidarity marks the anniversary of the adoption of General Assembly resolution 1881 (XVIII) calling on the South African authorities to release unconditionally all persons imprisoned, interned or subjected to other forms of restriction for having opposed the obnoxious system of apartheid.

The observance this year of this Day has attained special significance due to the agreements reached by Mr. Mandela and Mr. de Klerk on 26 September on the important question of the release of all political prisoners by 15 November 1992. As we all know, 150 of them have already been released.

It is our earnest hope that the momentum created by the agreement will lead to serious efforts by the South African authorities to put an immediate end to the violence which has inflicted a heavy toll on the people of South Africa. It is imperative that all parties work together to promote an environment that will enhance the peaceful process towards a new, non-racial and democratic South Africa.

This year's observance offers us all another opportunity to renew our commitment to see to it that all South African political prisoners are released and that no one is imprisoned in South Africa due to his or her opposition to apartheid. Therefore, it is essential that all elements for the free expression of views, including demonstrations, public gatherings and protests, are allowed and protected by law.

(The Chairman)

We will hold a round-table discussion this afternoon on "The role of law enforcement and law enforcement officials during the transition period" in South Africa. Our discussions will be led by experts, including some from South Africa, on issues concerning law and order and human-rights standards in law enforcement. We emphasize once again that the South African authorities bear the primary responsibility to control and prevent violence and to ensure the lives and security of all citizens. It is in this context that this afternoon's panel will focus on the problems within the present internal security set-up in South Africa, the role of law enforcement and the important question of human rights standards being assured in a society undergoing such a fundamental transformation.

(The Chairman)

The Special Committee welcomes the representatives of the African National Congress of South Africa (ANC) and the Pan Africanist Congress of Azania (PAC) from South Africa, who have been able to join us for today's observance and the round-table discussion later this afternoon.

May I now invite participants to stand and observe a minute of silence in memory of all the victims of apartheid who lost their lives and the many courageous freedom fighters and political prisoners.

The participants observed a minute of silence.

The CHAIRMAN: I now invite His Excellency Mr. Stoyan Ganev, President of the General Assembly, to address this meeting. Since this is the first time he has participated in a meeting of the Special Committee, may I on behalf of all the members of the Committee and on my own behalf welcome him and congratulate him on his unanimous election as President of the General Assembly at its forty-seventh session.

Mr. GANEV (President of the General Assembly): Today we are once again observing the Day of Solidarity with South African Political Prisoners. It is for me an occasion marked by a deep sense of obligation to join the members of the Special Committee against Apartheid and people all over the world in observing this Day. The significance of this observance lies in the recognition that apartheid policies led to a large number of people being imprisoned for their opposition to this system. These prisoners were often subjected to ill-treatment and to conditions well below acceptable international standards.

The continued existence of political prisoners in South Africa through the decades caused an international outcry and helped galvanize the rejection

(The President of the General Assembly)

by the international community of apartheid as an ideology and as a constitutional system. Today, however, we are pleased to note that, in addition to the political prisoners released last year, another 150 prisoners have now been set free following the summit meeting between the African National Congress and the South African Government on 26 September, and that political prisoners still being held will be released by the middle of next month.

The release of the remaining political prisoners represents an important step forward, contributing to a resumption of the negotiations between all concerned parties, which are necessary for the process of peaceful change to continue. While political progress has been made in South Africa, it is incumbent on the Organization to help the process. Apartheid laws relating to arbitrary arrests and detention of persons due to their political beliefs and activities have been repealed. Now it is time to revise old attitudes.

This observance may also serve as a memorial for all those who died in apartheid jails. It is an occasion to express our hope that from now on no South African will die in prison or detention, in the streets of townships or elsewhere as a result of the arbitrary use of force. At this crucial stage in South Africa's transition to a non-racial democracy, our continued solidarity must not waver until a non-racial constitution that affords all South Africans equal protection under the law is in place in a new South Africa.

It is my hope that today's round-table discussion and the activities of the Organization will help to facilitate a smooth, peaceful transition to the free establishment of a non-racial democracy in South Africa.

The CHAIRMAN: I now invite His Excellency Mr. Boutros Boutros-Ghali, our Secretary-General, to make a statement.

The SECRETARY-GENERAL: Today we remember South Africans who have suffered, or who are suffering, imprisonment for their political beliefs. Their struggle has not been in vain. The ideology of apartheid has been defeated and its evils have been recognized.

The South African Government now accepts that apartheid is discredited and unsustainable. The South African authorities have decided to set free those who remain in prison on political grounds. This is a welcome decision.

But the struggle is not yet over. The structures of apartheid have not yet been wholly dismantled.

The atrocities of apartheid have left a bitter legacy of violence, economic repression, distrust and anguish.

We remember with gratitude the sufferings of those who fought against apartheid. We are inspired by them in our determination to press ahead in helping to build a democratic, non-racial and united South Africa, which is the aim of the international community and of the process of the Convention for a Democratic South Africa (CODESA).

To bring apartheid to a peaceful end through negotiations is the obligation placed on us by the United Nations Declaration on apartheid, adopted by consensus in 1989. The United Nations is working hard to that end.

My Special Envoy, Mr. Virendra Dayal, visited South Africa from 16 to 26 September 1992 to hold follow-up discussions on Security Council resolution 772 (1992). He met State President de Klerk, senior officials of the Government of South Africa and representatives of various political parties, including the African National Congress (ANC), Inkatha and the Pan Africanist Congress of Azania (PAC). The discussions focused on my last report to the

(The Secretary-General)

Security Council, as well as on recent political developments in the country. Following bilateral discussions between officials of the Government and the ANC, President de Klerk met Mr. Mandela on 26 September.

It was agreed that all prisoners whose imprisonment is related to past political conflicts, and whose release can make a contribution to reconciliation, should be released by 15 November 1992. The release of political prisoners is, I understand, proceeding according to the agenda. This is a hopeful sign.

The United Nations is doing all it can to assist the peace process. For example, following the adoption of Security Council resolution 772 (1992) I sent a group of observers to South Africa. Twenty-eight United Nations observers are now in South Africa, deployed, in particular, in those areas where political violence, political confrontation, is most severe. They will be working alongside observers from other intergovernmental organizations, such as the Organiztaion of African Unity, the Commonwealth and the European Community.

(The Secretary-General)

I am happy that the United Nations has not only condemned apartheid but is taking concrete, constructive steps to assist the process of peaceful transition in South Africa.

Our efforts can of course only be complementary to those of the various political groups in South Africa. Their participation, good will and political courage are essential for success. Responsibility for achieving a just and long-lasting agreement through negotiation must rest with the South Africans themselves.

Sadly, outbreaks of violence continue in South Africa. Apartheid and violence are blood brothers. Eliminating apartheid and eliminating violence are part of the same process. Apartheid creates a special desparation. Replacing its legacy of violence with a new spirit of trust and co-operation must be our main challenge now.

I know I speak for the entire membership of the United Nations when I urge those in positions of leadership in South Africa to redouble their efforts to end the agony which apartheid has produced, and to join in creating a new future for South Africa.

(spoke in French)

I have not forgotten that we are meeting here today first and foremost to express our solidarity with the political prisoners of South Africa.

We are proud that, as persons of the twentieth century, amid so much discouragement, we have been able to end the solitude of political prisoners. They are no longer alone in their gaols, bound by their chains. Today the chains are those of solidarity, which throughout the world connect men and women who have decided to liberate all those whose just causes have landed them in prison. This is a tremendous accomplishment, among the most lofty of the twentieth century. It is far from the time when Richard the Lion Heart

(The Secretary-General)

said in the celebrated "Complaint of the Captive", "Death and the prisoner have no friends or relatives". That was in the twelfth century. That age must be banished for ever.

Some of you may perhaps have noted that in a recent report I submitted to the Security Council on this topic I emphasized one point: that the immediate liberation of all political prisoners can only bring about a spectacular and lasting improvement in the South African political climate, because only the immediate liberation of prisoners can turn the page on which the most sombre hours of African history has been written.

I should like to avail myself of this opportunity to reaffirm my position as clearly as possible. The process of reconciliation in which South Africa is engaged is doubtless a lengthy undertaking. But its success is manifold. The purpose of the 26 September Agreement is one of them. It is necessary and urgent, if only because of its psychological scope. It must be said that much depends upon abidance with that Agreement and the timetable set. I must recall that an agreement often commits those who have entered into it far beyond its initial purpose. It commits them not only for the present but also for the future. We should like to believe that this will be the last meeting devoted to soidarity with political prisoners. If the reason for holding this meeting has not disappeared by 1993, then the entire process of reconciliation will be open to question - perhaps forever. The entire future of South Africa would be threatened.

South Africa has suffered far too long. To wait, to delay, to defer deadlines serves the interests of no one. That is why I urge all those who at this crucial moment bear responsibilities in South Africa to rise to the occasion, as the world expects. They must calmly contemplate the future of a society built by gathering together, rather than division; by peace, rather

(The Secretary-General)

than hatred; by fraternity, rather than the tremendous human wastage that racism constitutes. Racism is first and foremost wastage: wastage of energy, wastage of creativity, and the tremendous wastage of this precious opportunity that is being given to a society to achieve renewed dynamism through the removal of differences.

Throughout the world, difference provides an opportunity. That opportunity must be seized confidently in South Africa.

The CHAIRMAN: I thank the Secretary-General for his comprehensive and important statement.

I now invite His Excellency Mr. Jean-Bernard Mérimée, President of the Security Council, to make a statement.

Mr. MERIMEE (France) (President of the Security Council) (interpretation from French): Mr. Chairman, at the outset allow me to express my thanks to you for having invited me to participate, as President of the Security Council, in the observance of the Day of Solidarity with South African Political Prisoners.

This observance comes at a time when the evolving situation in South Africa is giving rise both to great hopes and to serious concern. Important progress has already been made, in particular the launching of a process of constitutional negotiations in the context of the Convention for a Democratic South Africa opens the way to the establishment through dialogue of a democratic and non-racial society in South Africa.

Everything must be done to permit, despite the difficulties, the achievement of that objective and, in the immediate future, the pursuit of these negotiations. The Security Council has emphasized, in particular, the need to end the violence, which seriously jeopardizes the process of peaceful

(The President of the Security Council)

transformation in South Africa. In this regard the members of the Council reaffirmed the importance of full implementation of the National Peace Accord.

The members of the Security Council welcome the results of the meeting on 26 September last between President de Klerk and Mr. Nelson Mandela. They express the hope that the understanding reached at that meeting will contribute to the resolution of the question of violence and lead to the early resumption of the process of constitutional negotiations. In that regard, they call on all the parties fully to co-operate in this process, which has the support of the entire international community.

Bearing in mind the occasion that has brought us together today, I should like to express in more specific terms the satisfaction of the members of the Council with regard to the measures agreed on 26 September to resolve the question of the political prisoners who have not yet been freed. There is cause for hope that our reasons for observing this Day of Solidarity will have disappeared next year.

(The President of the Security Council)

Finally, I should like to underline the determination of the Security Council to give support - support that includes specific measures, as Security Council resolutions 765 (1992) and 772 (1992) show - to the efforts of the South African people to establish a democratic, united and non-racial society. The Council will continue to play its role in this regard until that objective has been attained.

The CHAIRMAN: I now invite Mr. Ebrahim Ismail Ebrahim, representative of the African National Congress of South Africa, to make a statement.

Mr. EBRAHIM (African National Congress of South Africa (ANC)): I should like first to thank the Special Committee against Apartheid for extending an invitation to me as a member of the African National Congress to address the Committee on the occasion of the International Day of Solidarity with South African Political Prisoners.

As a political prisoner on Robben Island in the 1960s and the 1970s, I found that international support and solidarity with the plight of political prisoners in South Africa played an important role both in our struggle against the inhuman conditions in South African prisons and in the campaign for the release of all political prisoners in our country.

In one sense, every black person in South Africa is a political prisoner deprived of all basic human rights, such as the right to the vote, to education, to health and to housing as well as the right to peace and security and employment opportunities. The racist apartheid State turned our entire country into a vast prison camp of poverty and homelessness, of police terror and death squad assassinations, of forced removals and brutal massacres.

(Mr. Ebrahim, ANC)

This meeting is taking place against the backdrop of the Mandela-de Klerk summit, which rekindled the hopes of all South Africans, but the regime and its allies have erected obstacles to the speedy liquidation of the apartheid system.

The struggle for the release of all political prisoners has been long and difficult. The Harare Declaration made the unconditional release of all political prisoners a precondition for any talks with the regime. This position has been endorsed by the Organization of African Unity (OAU), the Non-Aligned Movement and the United Nations General Assembly. This was an important prerequisite, for without the release of political prisoners and the return of exiles no negotiation with the regime was possible.

When the African National Congress met with the regime and signed the Groote Schuur Minutes, the regime undertook to release all political prisoners and time-frames were set for the completion of the process. The State, however, dragged its feet and kept on creating obstacles and extending the time period, and at the end of the day it failed to release all the political prisoners.

That is just one example of how the regime continually reneged on its agreements with the ANC. While we kept to our side of the agreements, the regime continued to follow its own agenda.

It was this persistent duplicity and lack of honesty on the part of the racist State that led the African National Congress to suspend all bilateral negotiations with it after the massacre of Boipatong. We also made numerous demands, including the release of all political prisoners and steps to end the violence against our people. We backed up our demands by mass action, when millions of our people participated in national strikes and mass demonstrations and other forms of action.

(Mr. Ebrahim, ANC)

As a result of our mass action, international pressure, United Nations resolutions and the Goldstone Commission reports, the Nationalist Party regime felt obliged to seek a summit with the ANC to consider ways and means of meeting the ANC's legitimate demands. Accordingly, various meetings between the Secretary-General of the ANC, Mr. Cyril Ramaphosa, and the Nationalist Party regime took place to prepare for the summit.

The position of the ANC was that such a meeting between our leaders was not possible until such time as the Nationalist Party Government was committed to meeting the key demands which would lay the basis for the resumption of bilateral and multilateral negotiations.

The outcome of those meetings was a draft of the Record of Understanding, thus laying the basis for its adoption at the summit.

On 26 September 1992, at a summit meeting between the President of the ANC, Comrade Nelson Mandela, and F. W. de Klerk, a Record of Understanding was signed which. Inter alia, it provided for a constituent assembly and the release of all remaining political prisoners.

(Mr. Ebrahim, ANC)

It was agreed that there was a need for a democratic constituent assembly, and that for such a body to be democratic it must: be democratically elected; draft and adopt the new constitution, implying that it should sit as a single chamber; be bound only by agreed constitutional principles; have a fixed time-frame; have adequate deadlock-breaking mechanisms; function democratically - that is, arrive at its decisions democratically, with certain agreed-to minorities; and finally, be elected within an agreed predetermined time period. Within the framework of these principles, details would have to be worked out.

It was also agreed that all political prisoners whose imprisonment was related to political conflict of the past and whose release could make a contribution to reconciliation should be released. The National Party regime and the ANC agreed that the release of prisoners - namely, those who according to the ANC fell within the guidelines defining political offences, but according to the regime did not, and who had committed offences with a political motive - would be carried out in stages and completed before 15 November 1992.

In that regard, the following was agreed to and steps were taken for its implementation: 150 political prisoners were released on 25 September 1992; three combatants of Umkhonto we Sizwe - McBride, Mncube and Nondula - were released on 28 September 1992. The remaining political prisoners are to be released as soon as they have been identified, and their release is to be completed before 15 November 1992.

The apartheid State, however, also released Barend Strydom, the right-wing mass murderer who went around the streets of Pretoria shooting and killing innocent black people because of his racial hatred of the blacks.

(Mr. Ebrahim, ANC)

During his trial Strydom was examined by one of the country's leading criminologists, who warned that he was a psychopathic killer and not safe out of prison. We see the release of Strydom as part of the well-orchestrated violence against the black civilian population of our country.

The racist State justifies the release of this right-wing murderer on the grounds of equal treatment of prisoners who fought against apartheid and those who defended the racist apartheid system. It is an attempt by the National Party regime to equate the crimes of apartheid, which was declared by the international community to be a crime against humanity, to the militant acts of resistance carried out by freedom fighters who gallantly fought a liberation war in our country. As one South African newspaper put it, to treat them as being the same

> "would be like putting the French Resistance in the Nuremberg dock along with the Nazis".

The regime has sought in the past to link the issue of the release of political prisoners with that of granting a general amnesty to all its forces who have committed human-rights abuses, but who have not been charged and sentenced. That was rejected by the African National Congress.

Our position on a general amnesty is quite clear. The policy on dealing with past abuses by the State must meet certain conditions of legitimacy. These are as follows.

First, the truth must be known. Any measures to deal with past human-rights abuses must be adopted in full knowledge of the truth about what happened in our country.

Second, the truth must be complete: the nature and the extent of the violations committed should be disclosed, as well as how they were planned and executed, what the fate of the victims was, who personally gave the orders and

(Mr. Ebrahim, ANC)

who carried them out. This is especially important in relation to people who have "disappeared".

Third, the whole truth must be officially proclaimed and publicly exposed. Hiding the truth perpetuates the suffering and, indeed, goes against the rights of the relatives and victims. It also perpetuates deep resentment and makes national unity and reconciliation more difficult.

Fourth, the policy must represent the will of the people. An illegitimate Government systematically violated human rights, and after a change of Government a policy to deal with abuses of the past must be approved in a manner that reflects the will of the people. The policy must be approved by a body that has a democratic mandate. In our case, this can be only an interim Government of national unity.

Fifth, the policy must not violate international law relating to human rights. We in the African National Congress have made it quite clear that on no account can we countenance a situation in which we are bound by any action that is a clear breach of international law. Gross violations of human rights, war crimes and crimes against humanity cannot be the subject of amnesty by a Government. A person cannot forgive his or her own sins. The succeeding Government must provide remedies for these serious breaches.

Six, there must be a purge of the most serious offenders. No interim or democratic administration can countenance a situation in which the most evil perpetrators of torture, "disappearances" and killing continue in office. Their presence would represent a constant threat to a democratic order.

Seven, there must be reparations or compensation for the victims or their families. Reparations may take the form of the truth in cases where victims have disappeared or where the cause of death is not known. Other countries

(Mr. Ebrahim, ANC)

have found ways of providing modest financial compensation to those who have been wrongfully imprisoned or tortured.

The State has already announced that in the reconvened session of the racist minority Parliament, which begins today, 12 October, it will unilaterally legislate a general amnesty law, thus granting amnesty to itself. The African National Congress has condemned this unilateral step, and we have announced that we will treat the law as null and void, as a nullity.

Without international support for the struggle against apartheid and without the active involvement of such bodies as the United Nations Special Committee against Apartheid, we would not be where we are today in our struggle.

(Mr. Ebrahim, ANC)

The white-minority State is criminalizing black political activity and is attempting to take the sting out of the limited victories scored by our liberation movement. The struggle against apartheid and for a non-racial, non-sexist, democratic and united South Africa continues to be waged by the masses of our people in the country. No ruling class voluntarily gives up power.

The States Members of the United Nations will agree that it has taken massive international pressure and relentless struggle by the people of South Africa to push the regime towards negotiations. It is therefore our considered view that in order to encourage progress it is important that pressure be maintained against the regime. Such an approach is necessary, especially since the secondary plenary meeting of the Convention for a Democratic South Africa (CODESA) failed to make headway precisely because the regime would not accept the consequences of democracy.

In this regard, we would strongly urge the international community to maintain existing measures against the apartheid regime in accordance with the resolution adopted by consensus by the General Assembly. At the same time, it should be emphasized that the United Nations Declaration on apartheid and subsequent consensus resolutions stress the responsibility of the United Nations in continuing to support those who are engaged in the struggle for democratic change.

Furthermore, we appeal to the international community to continue to assist the people of our country in redressing the socio-economic inequalities of apartheid. Such assistance becomes highly critical against the backdrop of a devastating drought that threatens close to 23 million people in southern Africa with death and destruction. The African National Congress calls on the

(Mr. Ebrahim, ANC)

United Nations and its various agencies on which we have relied for support in the past to renew their efforts.

Permit us to take a moment to congratulate the Government and people of Angola on the successful conclusion of their electoral process. It is our hope that that historic event will put an end at last to the war that has gripped that country since its independence and allow the people to go about the business of reconstruction so as to create a better life.

Similarly, we offer our congratulations to the Government and people of Mozambique on the peace accord signed with RENAMO. It is our wish that it will result in the stability so long desired in that country following many years of ruinous fratricidal strife.

Even as we are preoccupied with the enormous difficulties confronting our country, we cannot afford to close our eyes to the colossal catastrophe that is unfolding in Somalia. We add our voice to the international outcry over the tragic state of affairs in that country. We strongly appeal to the international community and the United Nations in particular to spare no effort to alleviate the sad plight of the Somali people.

As we mark this Day, we cannot but reflect that there are people elsewhere in the world who in the quest for freedom and self-determination are forced to surrender their sons and daughters to prisons. We think of the prisoners of Palestine, Western Sahara, El Salvador and elsewhere. To all of them we convey our warm greetings of solidarity. Today we should like to say "Your struggle is our struggle; your victory is our victory."

We wish also to welcome Security Council resolution 772 (1992), which authorizes the Secretary-General to deploy, as a matter of urgency, United Nations observers in South Africa. The issue of ongoing violence against our people and the demand for free political activity in some of the bantustans

(Mr. Ebrahim, ANC)

must be addressed by the international community as a matter of urgency. However, we urge that the United Nations move with greater speed to implement all the provisions of that resolution, including those relating to the investigation of criminal conduct and the monitoring of armed formations in the country. This, in our view, would go a long way towards stabilizing the situation and thereby contribute to the creation of a climate conducive to negotiations.

While we are on the subject, let us also caution against the temptation which seems to be prevalent in some circles, to equate the victims with the perpetrators of violence. According to this approach, peaceful demonstrators should be held accountable for marching and thus provoking the security forces to shoot at them. We have never heard it argued anywhere that the penalty for protesting peacefully or for deviating from a set demonstration route is the firing squad. In any event, for the majority of the people in South Africa the only avenue for peaceful political expression is precisely that kind of mass action, since they do not have the vote.

In conclusion, the ANC, on behalf of the oppressed and democratic-minded South Africans, wishes to express once again its deep appreciation to the United Nations and the international community for their continued support in our struggle for a free, non-racial, non-sexist and democratic South Africa.

The CHAIRMAN: I wish to draw attention to the fact that Mr. Ebrahim is a member of the National Working Committee of the ANC. He was himself a political prisoner and suffered greatly in his struggle against apartheid.

I now invite Mr. S. E. M. Pheko, representative of the Pan Africanist Congress of Azania, to make a statement.

Mr. PHEKO (Pan Africanist Congress of Azania (PAC)): Allow me, first, on behalf of the unconquerable Pan Africanist Congress of Azania (PAC) and the gallant sons and daughters of Africa living under the tyranny of apartheid and colonialist, racist rule, to thank the Special Committee against Apartheid for organizing this Day of Solidarity with South African Political Prisoners. Our special thanks also go to the Security Council for convening its 3095th and 3096th meetings on 15 and 16 July 1992 to consider the genocide of the African people that is taking place in South Africa.

The PAC deeply appreciates what the Secretary-General, Mr. Boutros Boutros-Ghali, has done in facilitating a more special involvement by the United Nations in the South African situation. It is the hope of the dispossessed people of Azania - the victims of apartheid, the people most brutalized by colonialism on the continent of Africa - that this special United Nations involvement shall meet their requests and national aspirations, result in ending the genocide and introduce the principle of neutrality and genuineness into the negotiations.

(Mr. Pheko, PAC)

It will be remembered that the first political prisoners to be sent to Robben Island and to be sentenced to life imprisonment in South Africa in this century were members of the PAC. They were Jafta Kgalabi Masemola, Philmon Tefu, Isaac Mthimunye, Dimake Malepe, John Nkosi and Samuel Chibane. Our Second Deputy President, Mr. Dikgang Moseneke, who is today a lawyer and advocate of the Supreme Court of South Africa, was sent to Robben Island while only 14 years of age. Mr. Johnson Mlambo, our First Deputy President, served over 20 years on Robben Island.

The South African jails are the most brutal in the world. Hardened criminals were encouraged to practise sodomy on political prisoners in the hope that this would break their fighting spirit and their morale to resist the evil forces of tyranny. All sorts of torture were inflicted on them. For instance, David Feni was shot prior to his commitment to jail and retained a bullet in his body. But he was assigned to do the hardest manual work - breaking stones and boring rocks with a very heavy machine.

This Day of Solidarity, therefore, was well chosen and is much appreciated by ex-prisoners as well as by those who are still in prison. Our number is 500, and 310 are in death cells; altogether, therefore, there are more than 810 political prisoners in South Africa. One of the prisoners is Ahmed Kassim, who has been released on R5,000 bail. He is under house arrest and other restricted conditions of his bail. His appeal has dragged on for a long time. He should have been released unconditionally under the United Nations Declaration of 14 December 1989.

We are aware that, as a ploy to improve its image internationally, the South African regime recently released some prisoners. The de Klerk regime had insisted that it had long ago released all political prisoners.

(Mr. Pheko, PAC)

It will be remembered that during the Security Council meeting on 15 July 1992 Mr. Pik Botha, the regime's Foreign Minister, denied that there were any political prisoners in South Africa. It must also be recalled that on the eve of the sitting of the Security Council on 16 July 1992 Mr. F. W. de Klerk announced that he was dismantling Buffalo Battalion 32 and the Koevoet. For two years he had denied the existence of these forces of genocide and darkness. It is disturbing that so far he has not been asked how he could dismantle something that did not exist - something that he blamed on black-on-black violence.

The release of political prisoners under the United Nations Declaration is not a subject of negotiations, with extra "Minutes", with the regime. The regime was to release prisoners unconditionally to create a climate conducive to negotiations. The PAC has insisted, and continues to insist, that political prisoners be released according to the PAC terms based on the 1989 United Nations Declaration.

The PAC will never negotiate the release of prisoners or the return of exiles. It is not they who are in need of indemnity, but the regime, which has committed the crime of apartheid. Once again on this Day, the PAC calls upon the regime to release all political prisoners, including members of the Azanian People's Liberation Army. Political prisoners in South Africa have always been those who were opposed to apartheid and who were fighting for self-determination.

General Assembly resolution 3314 (XXIX) of 1974, containing a "Definition of Aggression", states:

> "Nothing in this Definition ... could in any way prejudice the right to self-determination, freedom and independence ... particularly [of]

(Mr. Pheko, PAC)

peoples under colonial and racist regimes or other forms of alien domination". (resolution 3314 (XXIX) annex, Article 7)

Our armed freedom fighters are not criminals and never were criminals. The South African regime must not be allowed to treat them as criminals. Their so-called offences stem from the crime of apartheid. International law recognizes wars of national liberation. The Geneva Protocol I of 1977 - Protocol Additional to the Geneva Conventions of 12 August 1949 - provides for peoples

"fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination". (A/32/144, annex I, Article 1, para. 4)

The South African regime must fulfil all conditions of the United Nations Declaration of 14 December 1989, the Declaration on Apartheid and its Destructive Consequences in Southern Africa, which was adopted without a vote. The PAC took part in its drafting, and through compromise and the spirit of international cooperation agreed to its terms. The PAC will not be bound by agreements to which it has not been a party.

There have been over 50 major massacres in South Africa since Mr. F. W. de Klerk's leadership of the South African regime began. This is besides the daily genocide perpetrated on the African people, 15 of whom die every day. On 22 September as many as 24 died on one day. One of them was a six-month-old baby; he was shot.

The South African regime has come out with very sweet phrases to hide its double agenda of perpetuating apartheid minority rule. They include "National Peace Accord", "Convention for a Democratic South Africa", "Unrest Areas" and "Interim Government".

(Mr. Pheko, PAC)

But Africans have been dying like flies under the bullets of Buffalo Battalion 32, Koevoet and other death squads. The Goldstone Commission has offered indemnity to some of these killers. Justice Goldstone's own assistant on this Commission, Mr. Legwai Pitje, was slaughtered by a member of the South African Police Force. CODESA - the so-called Convention for a Democratic South Africa - has become a field of rotting corpses, weeping orphans and widows. A state of emergency has been declared in areas such as Cradock, Uitenhage, Port Elizabeth, under the cloak of the description "unrest areas".

Africans are the only people who are being killed; they are even being killed in trains. No whites are dying. What does this mean? The South African regime has the largest police force on the continent of Africa, 114,000 strong. It is capable of protecting whites and others, but not Africans. We think that African lives are as precious as any other lives. They must be protected. The De Klerk regime now wants to have a law passed this month in the illegal apartheid Parliament of South Africa indemnifying all its killers. The PAC and the African majority will not recognize this law by which criminals indemnify themselves.

That is why the PAC and the majority of the oppressed in our country believe that the sports boycott was lifted prematurely. It is unjust that Africans should frequent graveyards with monotonous regularity while the whites play their rugby, tennis and so forth, even in the Barcelona Olympic Games.

The political prisoners of South Africa, with whom the international community has always expressed solidarity, did not sacrifice their lives for apartheid to be given a new coat of paint. It is important that the interests of the victims of apartheid be protected and defended and that the United Nations Declaration be upheld. Mr. de Klerk has defied this Declaration with

(Mr. Pheko, PAC)

impunity. If it is abandoned or compromised there will be nothing left to guide genuine negotiations in South Africa under international supervision and guarantee. It has been said that the regime's fraudulent apartheid creation - CODESA - is the only way forward. If this is so, it might as well be said that apartheid under a new name is the only way forward.

CODESA was an exercise in co-option and collusion, and Mr. de Klerk's 17 March referendum, which misled so many people, has proved this a grand scheme to co-opt the African majority.

(Mr. Pheko, PAC)

The PAC wants genuine negotiations, with a neutral convener, where agreements are verified and guaranteed by organizations such as the Organization of African Unity (OAU) and the United Nations. The South African situation is unique in the colonial history of Africa. The colonial Power which colonized our country never decolonized it. It abdicated its responsibility, smuggled South Africa into the League of Nations and later into the United Nations, and paraded South Africa's membership of these bodies as a process of decolonization. This is the worst manipulation of international law in the twentieth century. The PAC rejects the fallacy that South Africa is a "sovereign and independent State". It is known that our wars of national resistance against colonial aggression are many and were fought for years for land taken by robbery and for usurped sovereignty.

The PAC has made the following proposals as a beginning to the way forward in genuine negotiations. The new constitution must be drawn up by an elected constitution-making body, which the PAC calls a democratically elected constituent assembly. A representative negotiating forum must be established to negotiate the modalities and principles for the establishment of the elected constitution-making body. The process for establishing the elected constitution-making body should begin soon with voter registration for a non-racial voters' roll.

The PAC has met the South African regime and told it that members of the PAC are not involved in violence; our message in this context is "Peace among the Africans!" The PAC has made efforts to mediate between the Inkatha and the ANC, and continues to do so.

The PAC has demanded that the South African regime must: expel, under international supervision, all foreign mercenaries from the country; disband

(Mr. Pheko, PAC)

its death squads; and prosecute those in its army and police force responsible for atrocities and genocide.

The PAC has also demanded to know why the South African regime has given $5 billion to its army for secret operations. This $5 billion is not subject to audit. There is also massive recruitment of immigrants to our country by the South African regime, especially from Eastern European countries. This is happening against the background of killings of Africans with a view to reducing their population numerically. This immigration must stop until a new constitution and a democratically elected majority Government are in place.

Much has been said about an interim Government in South Africa. Some of its advocates expected it by the end of May this year. It has never been defined. It was baked in the so-called Convention for a Democratic South Africa, where it was agreed that after it was set up sanctions would be called off, a state of emergency would be declared and provision would be made for powers of detention without trial.

The real reason why the South African regime wants an interim Government is that it has, according to its 1983 apartheid constitution, to hold elections by March 1994. Time is running out for it. Nothing can replace this present constitution. The regime is looking for a way to perpetuate a political bluff under the title of "interim Government". It will control it, as it did CODESA, the army, the police and, the bantustans, and rely heavily on the so-called sufficient consensus - another clever phrase for white minority domination. The main purpose of the interim Government would therefore be to delay the writing of the new constitution and prolong minority racist rule.

(Mr. Pheko, PAC)

The PAC has told the regime that it does not accept the so-called interim Government but will accept a transitional authority. In its negotiations with the regime the PAC has demanded a democratically elected constituent assembly to write the new constitution. Both the United Nations and the Organization of African Unity Declarations of 1989 state that irreversibility should be measured by the existence of a new constituion which gives equality to all the citizens of the emerging new African State.

The objective of the transitional authority is to identify the items impacting directly on the transition. The idea is to have international and local participation to ensure that the democratic electoral transition is free and fair. The PAC has identified the following four items: supervision of the election for a constituent assembly; control of publicly owned electronic media - television and radio; control over the security forces; and control over defined areas of the budget, more specifically related to the items I have mentioned.

The idea is not to be involved in unrelated items not directly relevant to transition. During the transitional period the South African regime must still be seen to be a minority illegitimate colonial structure. It must not be allowed to turn itself into a so-called interim Government and attract finance from the World Bank, the International Monetary Fund and others. This financial assistance must flow only when the Government is seen to be a new one based on the new constitution in accordance with the national aspirations of the dispossessed African indigenous majority and the United Nations Declaration of 14 December 1989.

(Mr. Pheko, PAC)

The young people in our country, who are the sons and daughters of South African prisoners, say that they will not abandon the armed struggle until the ballot is secure - in other words, until they have a vote. They quote the Harare Declaration, which says that only after the adoption of a new constitution can all armed hostilities be deemed to have been formally terminated.

The United Nations Declaration of 14 December 1989 spoke of, inter alia:

> "Agreed transitional arrangements and modalities for the process of the drawing up and adoption of a new constitution, and for the transition to a democratic order, including the holding of elections." (Resolution S-16/1, para. 8 (c))

This would indicate irreversibility in the dismantling of apartheid. The appearance of black faces in Mr. de Klerk's so-called interim Government would by no stretch of the imagination represent profound and irreversible change. In the Rhodesia of Ian Smith and Bishop Muzorewa, now liberated Zimbabwe, the "interim government" did not resolve the fundamental issue of decolonization. Only a new constitution and a democratically elected Government of Zimbabwe set that great country on an irreversible path to genuine and profound change.

This is where the PAC and the people of Azania stand today. The PAC has demanded tangible proof from the regime that it means to dismantle apartheid through a constitution agreed to by the majority of the people of Azania. The regime must provide evidence by beginning to register voters on a common voters' roll for a non-racial society in South Africa.

Let me end by quoting that great son of Africa, Professor Mangaliso Robert Sobukwe, the first President of the PAC, the only leader of a political organization in South Africa who had a law specifically made to

(Mr. Pheko, PAC)

imprison him "this side of eternity", as the South African regime put it. The law was known as the "Sobukwe Clause". Sobukwe was imprisoned in 1960 for leading the Sharpeville uprising. When he completed this sentence he was imprisoned on Robben Island without trial.

(Mr. Pheko, PAC)

Cancer was injected into his body. In 1969 he was restricted to Kimberley, under house arrest and forbidden to speak publicly or meet more than three people at a time. When the cancer weakened him he was subjected to even greater harassment, until he died in 1978. The South African regime had declared in its Parliament that it would never be safe while Sobukwe was out of jail or free and leading his people.

However, Professor Sobukwe stated clearly on behalf of the Pan Africanist Congress of Azania the ultimate goal of what we have been going to prison for and have even been prepared to lose our lives for if necessary. Indeed, many of our precious sons and daughters have lost their lives in the struggle against apartheid and colonialism in South Africa.

Sobukwe said:

"Politically, we aim at government of the Africans by the Africans for the Africans, with everybody who owes his only loyalty to Africa and who is prepared to accept the democratic rule of an African majority being regarded as an African ...

"Economically, we aim at the rapid extension of industrial development in order to alleviate pressure on the land ... We stand committed to a policy guaranteeing the most equitable distribution of wealth.

"Socially, we aim at the full development of the human personality and a ruthless uprooting and outlawing of all forms or manifestations of the racial myth." -

racism.

(Mr. Pheko, PAC)

Inviting all in our country to be part of Africa - part of Azania - and calling them to a common nationhood, President Mangaliso Robert Sobukwe said:

"Here is a tree rooted in African soil,

"Nourished with waters from the rivers of Africa.

"Come and sit under its shade

"And become, with us, leaves of the same branch

"And branches of the same tree."

On this special occasion I repeat those noble words of our first President, uttered in 1959.

As many informed people around the world know today, the PAC is a very principled and consistent organization. We do not say "No" in the morning and "Yes" in the afternoon. We keep our promises, especially when justice, freedom, peace, human dignity and progress are at stake. That is why, among other things, the Pan Africanist Congress of Azania fully supports the struggle of the dispossessed people of Palestine.

The CHAIRMAN: I now invite Ms. Maha Khoury, representative of Palestine, to make a statement.

Ms. KHOURY (Palestine): I should like on behalf of my delegation to thank the Committee for inviting Palestine to participate in this very important meeting commemorating the international Day of Solidarity with South African Political Prisoners.

This meeting is taking place at a very important - indeed, crucial - time in the lives of both our peoples: the South African black majority and the Palestinian people. It is a time when we are talking about peace, justice and freedom, a time when we feel we have never been so close to attaining them, a time when both our peoples are starting to imagine the wonderful feelings of freedom and democracy. When they close their eyes they see their children

(Ms. Khoury, Palestine)

playing safely in the parks - playing without being shot, beaten or arrested by the Pretoria regime or the Israeli occupier. But when they open their eyes they see the dim reality of denial, repression, killing and imprisonment. They wonder whether peace is a reality or just a mirage in the desert of repression and occupation.

My delegation was pleased at the outcome of the summit meeting, particularly the recent release of 150 South African political prisoners. We look forward to the release of the remaining political prisoners on 15 November 1992. We should also like to express our pleasure over the overall achievements and political progress in South Africa today. However, much work remains to be done to eliminate racism and discrimination - in other words, to eliminate apartheid.

With regard to our situation, unfortunately the negotiations thus far have not taken us anywhere positive. Our people are still suffering from the illegal occupation of the West Bank and Gaza. The Israeli occupiers continue to arrest and kill Palestinians and to demolish their homes. Since 1987, 100,000 Palestinians have been detained, arrested or imprisoned by the Israeli occupier; 2,400 homes have been demolished; 1,500 people have been killed; and 70 per cent of the land of the West Bank and Gaza has been confiscated.

Most recently 5,000 Palestinian political prisoners launched a hunger strike in their prison cells in protest against inhuman treatment by the Israeli occupier. The strike has been going on for the past two weeks. Those taking part are calling on the international community and the International Committee of the Red Cross to order Israel to refrain from the systematic torture and beating of Palestinian political prisoners. Their demands also include better health and living conditions in prison. Regrettably, the international response has so far been very weak.

(Ms. Khoury, Palestine)

Palestinians throughout the West Bank and Gaza have been launching a series of strikes, demonstrations and sit-ins in the occupied territories in solidarity with the strike of the political prisoners and as a call to the international community to intervene o stop Israel's massive violations of human rights. Moreover, only yesterday two Palestinians were killed and more than 60 injured as a result of Israeli brutality and intolerance.

We urge those who sincerely uphold human rights values and who are genuine defenders of such rights to force Israel to abide by international law, particularly the Fourth Geneva Convention of 1949. Further, we urge the United Nations to play an active role in providing protection for the Palestinians and to be actively involved in the peace process to ensure its success.

In conclusion, I should like to say that on this international Day of Solidarity the PLO, on behalf of the Palestinian people, salutes the struggling people of South Africa and the South African political prisoners. We reiterate our solidarity and our bonds with those in South Africa who are struggling for freedom and democracy. We salute our brothers in the African National Congress and the Pan Africanist Congress of Azania, and we hope that some day soon our peoples will live in peace and prosperity.

The CHAIRMAN: I should now like to make a statement as Chairman of the Special Committee against Apartheid.

We are here to observe once again the Day of Solidarity with South African Political Prisoners. Today's observance is being held at a critical time in the history of South Africa. The momentum of change sweeping through South Africa, which culminated in the process of the Convention for a Democratic South Africa (CODESA), came to an abrupt end with the persistence of violence, which reached a climax with the Boipatong massacre in June.

(The Chairman)

In a real sense, the continued suspension of multi-party negotiations is further support for the Special Committee's position that, despite the widely acknowledge positive developments inside South Africa, the process of change towards a non-racial democracy is still fragile. The Special Committee therefore hopes that common sense will now prevail and that all parties will return to the negotiating table as soon as possible.

(The Chairman)

One of the most serious obstacles to the negotiating process in South Africa has been the continued detention or imprisonment of over 400 persons for their political beliefs or activities. The continued detention of political prisoners is a contravention of agreements reached last year between the Government and the liberation movements. In this connection, the Special Committee welcomes the release of 150 political prisoners on 26 September 1992 following the meeting between the State President and the President of the African National Congress (ANC), Mr. Nelson Mandela. We urge the South African Government not to renege on its agreement to release all remaining prisoners by 15 November 1992. The attainment of this objective will not only create a more favourable climate for the restoration and stabilization of negotiations, but will also restore confidence in the entire peace process.

The issue of continuing violence remains of special concern to the Committee, not only because of the many lives lost in the past two years, but also because its persistence means that no progress can be made in the peaceful resolution of the crisis in South Africa. The Special Committee is gratified to note the admission by State President F. W. de Klerk that

> "it is simply not possible to negotiate constitutional issues before the issue of violence has been dealt with satisfactorily".

Indeed, the Special Committee has consistently called on the Government to take decisive action to contain the violence. We remain convinced that the South African Government - indeed, like any Government in its own context - has the primary responsibility and wherewithal to deal with violence and therefore to safeguard the lives and property of all South Africans.

(The Chairman)

We believe that the South African Government must do more than it has done so far, especially in the face of the persistent indictment of members of the police and security forces for criminal violence by the Goldstone Commission and the courts. Furthermore, recent allegations that most deaths in police custody or detention were linked to police brutality have heightened the mistrust of the police force by the majority of South Africans. To redeem its image and restore trust in the police as an impartial force for upholding law and order and protecting the lives, rights and property of all citizens, the Government must ensure the success of the measures it recently took. These include the acceptance of outside assessment of the functioning and conduct of the police force in connection with the Boipatong massacre; the new investigative powers of the Goldstone Commission; and the decision to allow the International Committee of the Red Cross access to South African police stations.

The Special Committee is grateful to the Organization of African Unity (OAU) for calling for an emergency meeting of the Security Council which led to greater involvement of the entire United Nations not only in the effort to curtail the violence in South Africa, but in directly encouraging the process of peaceful change in that country. We believe that the positive role of the Security Council, which resulted in the dispatch of the Secretary-General's Special Representative to South Africa and the resultant report adopted by the Security Council, has gone a long way towards assuaging feelings on the state of affairs inside South Africa. The Special Committee welcomes the dispatch of about 50 United Nations observers to South Africa to work in coordination with the structures of the National Peace Accord and also facilitate a peaceful transition to a non-racial and democratic South Africa.

(The Chairman)

We reiterate the Special Committee's earlier call on all South Africans to respect the provisions of the National Peace Accord so that an enduring peace can return to the country.

The Special Committee welcomes the apology offered last week by President de Klerk for his party's introduction of the obnoxious apartheid system in South Africa. We believe that this public apology is long overdue. We urge him to take more decisive steps to end this inhuman and inhumane system by putting in place a transitional administration that will pave the way for a truly non-racial, democratic country. This, in our view, is the only way his party's apologies will make sense and have a lasting impact.

As we look forward to 15 November with eagerness, the Special Committee hopes that today's solidarity meeting will indeed be the last to be observed by the international community. As the country marches towards the transition period the role of the police as an impartial force becomes even more critical. Consequently, as part of today's solidarity meeting the Special Committee has organized a round-table discussion that will focus on "The role of law enforcement and law enforcement officials during the transition period and after". Prominent experts from both within South Africa and outside it have been invited to participate in the round-table discussion, which will take place this afternoon. The panelists will examine, among other problems, the present internal security set-up in South Africa; the role of law enforcement agents in the maintenance of law and order; their attitude to opponents of the present regime; and respect for human rights in general. I hope that as many delegations as possible will attend this very important round-table forum.

(The Chairman)

Finally, I wish to thank everyone present for accepting our invitation to this solidarity meeting.

Before adjourning the meeting I should like to announce that on this solemn occasion the Special Committee has received messages from the Heads of State or Government of the following countries: Guinea, Islamic Republic of Iran, Malaysia, Nigeria, Pakistan, Philippines, Senegal and the United Republic of Tanzania.

The Special Committee has also received messages from Foreign Ministers and other Government officials of the following countries: Antigua and Barbuda, Chile, Cuba, Cyprus, Finland on behalf of the Nordic States, India, the Libyan Arab Jamahariya, Peru, Tunisia, Uganda, the United Kingdom - on behalf of the European Community - and Venezuela.

If I hear no objection, these messages will, as usual, be published as an official document of the Special Committee, taking into account the usual financial implications.

It was so decided.

The CHAIRMAN: We have thus come to the end of this solemn meeting in observance of the Day of Solidarity with South African Political Prisoners. Before I adjourn the meeting I want again to thank all those present for participating in this observance and to reiterate the Special Committee's invitation to them all to join members of the Special Committee in the round-table discussion this afternoon.

The meeting rose at 12.20 p.m.